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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,203	11/09/2000	Hideki Koike	LEXW116493	4596
26389	7590	07/13/2005		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
			EXAMINER ABRISHAMKAR, KAVEH	
			ART UNIT 2131	PAPER NUMBER

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/710,203

Applicant(s)

KOIKE ET AL.

Examiner

Kaveh Abrishamkar

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-1, 8-21, 23-24
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Advisory Action

1. This Office action is in response to the after-final amendment filed on June 10, 2005. Claims 1 – 22 were originally received for consideration. The amendment, filed on October 21, 2004, cancelled claims 7 and 22, and added claims 23-26 leaving claims 1-6, 8 –21, and 23-26 as pending in the application. Applicant's request for consideration has been fully considered but they are not persuasive because of the following reasons:

2. Regarding claim 1, the applicant argues that the CPA, Shen (U.S. Patent No. 6,611,850) and Falkner (U.S. Patent No. 5,713,008), does not teach the limitation of creating a "plurality of identical log files." This argument is traversed. The disclosure of Shen describes a "backup copy generating process" to generate backup copy(ies) and a "restore process to restore the original files(s) from the backup copy(ies) generated by the "backup copy generating process" (Abstract). The word backup is used in the disclosure, and according to the "American Heritage College" dictionary, backup is "a copy of a program or file." The abstract provisions for a backup generating process which can generate multiple backup copies of the file, in case the file is infected or modified, so that it can be restored. Furthermore, files are backed up every given time interval even if they are changed or not, therefore, if the file does not change, a plurality of identical backups will be created. Therefore, based on this interpretation, it is believed that the CPA does teach the limitation of creating a "plurality of identical log

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files.” Furthermore, the applicant argues that the CPA does not teach the “periodic monitoring of a plurality of identical log files.” This argument is not found persuasive. The CPA (Shen) discloses an “integrity judgment process” where it monitors each file to check if it is infected by a virus or destroyed, before making a backup copy (column 4 lines 1-13). Therefore, if each backup file that is created per elapsed time period, is unchanged, then the disclosure of Shen does teach the “periodic monitoring of a plurality of identical log files.”

Therefore, the rejection is respectfully maintained as given below for claims 1-6,8-21 and 23-26.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6,8-21, and 23-26. are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen (U.S. 6,611,850) in view of Falkner (U.S. 5,713,008).

Regarding claim 1, Shen discloses:

A file protection system for protecting files in which computer system operations have been recorded, comprising:

file creation means which create a plurality of identical files (column 3 lines 6 – 40, column 4 lines 54 – 57);

alteration detection means which periodically monitor said plurality of identical files for alteration or detection (Figure 2 item 216, column 4 lines 1 – 6, column 15 line 66 – column 16 line 6); and

restoration means which restore an altered or deleted log file, by replacing the altered or deleted log file with an unaltered log file from the plurality of identical log files, when the altered or deleted file is detected by said alteration detection means (column 4 lines 12 – 41, column 16 line 38 – column 17 line 8).

Shen does not explicitly discuss the creation of log files to record the operations of a computer system. Falkner discloses the generation and storage of log files to monitor computer transactions (Figure 4, column 6 line 10 – column 7 line 20). Shen discusses that “backup shall mean to make a copy of data and/or program...so as to prevent from file destruction due to hardware trouble and malfunctions, or accidental infection by (a) computer virus (es)” (column 1 lines 15-22). Therefore it would have been obvious at the time the applicant’s invention was made to use the file protection system of Shen to protect against deletion or modification of log files by providing backup copies of the log files. This would further provide assurance that the system log files can not be corrupted or modified, thereby increasing the security and robustness of the computer system.

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Shen discloses:

The log file protection system of claim 1, wherein said log file creation means create said plurality of identical log files in parallel, using identical information (column 3 lines 6 – 40, column 4 lines 54 – 57).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Shen discloses:

The log file protection system of claim 1, further comprising means which hide all but one of the plurality of identical log files (column 6 lines 28 – 65).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Shen discloses:

The log file protection system of claim 1, further comprising means which perform additional processing, when an alteration or detection is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Shen discloses:

The log file protection system of claim 3, wherein said hiding means periodically re-hide said hidden log files in different locations (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 5 is rejected as applied above in rejecting claim 3. Furthermore, Shen discloses:

The log file protection system of claim 3, wherein said hiding means re-hide said hidden log files in different locations, when alteration or deletion is detected by said alteration detection means (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 9 is rejected as applied above in rejecting claim 2. Furthermore, Shen discloses:

The log file protection system of claim 2, further comprising means which perform additional processing, when alteration or detection is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 10 is rejected as applied above in rejecting claim 2. Furthermore, Shen discloses:

The log file protection system of claim 2, further comprising hiding means which hide all but one of the plurality of identical log files (column 6 lines 28 – 65).

Claim 18 is rejected as applied above in rejecting claim 3. Furthermore, Shen discloses:

The log file protection system of claim 3, further comprising means which perform additional processing, when an alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Shen discloses:

The log file protection system of Claim 5, further comprising means which perform additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

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Claim 11 is rejected as applied above in rejecting claim 10. Furthermore, Shen discloses:

The log file protection system of claim 10, further comprising means which performs additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 12 is rejected as applied above in rejecting claim 10. Furthermore, Shen discloses:

The log file protection system of claim 10, wherein said hiding means re-hide said hidden log files in different locations, when alteration or deletion is detected by said alteration detection means (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 14 is rejected as applied above in rejecting claim 10. Furthermore, Shen discloses:

The log file protection system of claim 10, wherein said hiding means periodically re-hide said hidden log files in different locations (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 19 is rejected as applied above in rejecting claim 4. Furthermore, Shen discloses:

The log file protections system of claim 4, further comprising means which perform additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 20 is rejected as applied above in rejecting claim 4. Furthermore, Shen discloses:

The log file protection system of claim 4, wherein said hiding means re-hide said hidden log files in different locations, when alteration or deletion is detected by said alteration detection means (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 13 is rejected as applied above in rejecting claim 12. Furthermore, Shen discloses:

The log file protection system of claim 12, further comprising means which perform additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 15 is rejected as applied above in rejecting claim 14. Furthermore, Shen discloses:

The log file protection system of claim 14, further comprising means which perform additional processing, alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

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Claim 16 is rejected as applied above in rejecting claim 14. Furthermore, Shen discloses:

The log file protection system of claim 14, wherein said hiding means re-hide said hidden log files in different locations, when alteration or deletion is detected by said alteration detection means (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 21 is rejected as applied above in rejecting claim 20. Furthermore, Shen discloses:

The log file protection system of claim 20, further comprising means which perform additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 17 is rejected as applied above in rejecting claim 16. Furthermore, Shen discloses:

The log file protection system of claim 16, further comprising means which perform additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 23 is rejected as applied above in rejecting claim 1. Furthermore, Shen discloses:

The log file protection system of claim 1, wherein said alteration detection means monitor said log files by using fingerprint data generated based on the entire content of

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the log file (Figure 2 item 216, column 4 lines 1 – 6, column 15 line 66 – column 16 line 6).

Claim 24 is rejected as applied above in rejecting claim 1. Furthermore, Shen discloses:

The log file protection system of claim 1, wherein said restoration means restore the altered or deleted log file automatically (column 4 lines 12 – 41, column 16 line 38 – column 17 line 8).

Claim 25 is rejected as applied above in rejecting claim 17. Furthermore, Shen discloses;

Recording media which stores a program capable of implementing the log protection system according to any of the Claims 1-6,8-21,23-24 on a computer system (column 8 lines 14-28).

4. Claim 26 is a method claim analogous to the system claims rejected above, and therefore, is rejected following the same reasoning.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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06/30/05


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